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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ARNOLD ABRERA,

plaintiff,

V.

GAVIN NEWSOM, in his official capacity as Governor of the State of California; ROB BONTA, in his official capacity as Attorney General of the State of California; ANNE MARIE SCHUBERT, in her official capacity as County of Sacramento District Attorney; COUNTY OF SACRAMENTO; BOBBY DAVIS, in his official capacity as Chief of the Elk Grove Police Department; JONATHAN P. HOBBS, in his official capacity as the City Attorney for the City of Elk Grove; CITY OF ELK GROVE;

defendants.

No. 2:22-cv-01162 JAM DB

**REQUEST FOR JUDICIAL
NOTICE IN SUPPORT OF
PLAINTIFF'S OPPOSITION TO
DEFENDANTS MOTION TO
DISMISS PLAINTIFF'S FIRST
AMENDED COMPLAINT**

Constitutionality of State Statute Challenge

Date: January 9, 2024

Time: 1:30 p.m.

Courtroom: 6

Judge: The Honorable John A. Mendez

Location: Courtroom 27, 8th floor

501 I Street

Sacramento, CA

Trial Date: None Set

Action Filed: July 5, 2022

REQUEST FOR JUDICIAL NOTICE

TO: GAVIN NEWSOM, in his official capacity as Governor of the State of California;
ROB BONTA, in his official capacity as Attorney General of the State of California; ANNE
MARIE SCHUBERT, in her official capacity as County of Sacramento District Attorney;
COUNTY OF SACRAMENTO; BOBBY DAVIS, in his official capacity as Chief of the Elk
Grove Police Department; JONATHAN P. HOBBS, in his official capacity as the City Attorney
for the City of Elk Grove; CITY OF ELK GROVE.

PLEASE TAKE NOTICE that on January 9, 2024, 1:30 p.m., before the Hon. Judge: The
Honorable John A. Mendez, Courtroom 6, in the above-entitled court at 501 I Street, Sacramento,
CA, Plaintiff Arnold Abrera, respectfully request that the Court take judicial notice of the public
record and facts identified below, which are not subject to reasonable dispute, under Federal Rule
of Evidence 201.

A fact is judicially noticeable when it is not subject to reasonable dispute and “can be
accurately and readily determined from sources whose accuracy cannot reasonably be
questioned.” Fed. R. Evid. 201(b)(2). Judicial notice is mandatory if “a party requests it” and the
court is “supplied with the necessary information.” Fed. R. Evid. 201(c)(2). Judicial notice may
be taken at any stage of the proceeding. Fed. R. Evid. 201(d); *Papai v. Harbor Tug & Barge Co.*,
67 F.3d 203, 207 n.5 (9th Cir. 1995), *overruled on other grounds*, 520 U.S. 548 (1997).

This Court may take judicial notice of matters of public record, including court filings and
orders from other cases. *Papai*, 67 F.3d at 207 n.5 (judicial notice may be taken of “decisions
made by other courts or administrative agencies”) (citations omitted); *DeHoog v. Anheuser-Busch*
InBev SA/NV, 899 F.3d 758, 762 n.5 (9th Cir. 2018) (taking judicial notice of “government
documents, court filings, press releases, and undisputed matters of public record”). “[T]he court
can take judicial notice of ‘public records and government documents available from reliable

sources on the Internet, such as websites run by governmental agencies.”” *Romero v. Securus Technologies, Inc.*, 216 F. Supp. 3d 1078, 1084, n.1 (S.D. Cal. 2016) (internal citation omitted).

Here, Plaintiff respectfully request that this Court take judicial notice of the following court record and facts, which are not subject to reasonable dispute:

1. Felony Complaint filed by Anne Marie Schubert, in her official capacity as County of Sacramento District Attorney, on March 18, 2021, captioned *People vs. Arnold Abrera*, Sacramento Superior Court case number 21FE004857, with arrest warrant was requested on or after January 29, 2021.
2. Reporter’s Transcript of Relevant pages for hearing of April 13, 2022, in *People vs. Arnold Abrera*, Sacramento Superior Court case number 21FE004857.
3. Petition for Judicial Determination Re: Return of Firearms Welfare & Institutions Code section 8102 was filed by defendant Jonathan P. Hobbs as the City of Elk Grove Attorney, captioned *City of Elk Grove vs. Euginie Abrera*, Sacramento Superior Court case number 34-2021-20000745.
4. Penal Code 1538.5 Motion for Return of Property (two AR-15s) in *People vs. Arnold Abrera*, Sacramento Superior Court case number 21FE004857.
5. Court Docket in *People vs. Arnold Abrera*, Sacramento Superior Court case number 21FE004857 showing Plaintiff’s 1538.5 Motion for Return of Property was “denied” on December 9, 2022.
6. Court Docket search for *City of Elk Grove vs. Euginie Abrera*, Sacramento Superior Court case number 34-2021-20000745, indicating “No Results Found.”

DATED: December 12, 2023

Respectfully submitted,
LAW OFFICES OF GARY W. GORSKI
/s/ Gary W. Gorski
GARY W. GORSKI
Attorney for Plaintiff Arnold Abrera